



Appeals and State Hearings Newsletter

Website: www.ladpss.org

November 2003

Our address: 3833 S Vermont Ave - 4th floor
Los Angeles, CA 90037

congratulations

Congratulations to Annie Ly, Intermediate Typist Clerk at ASH, who was recognized at the 11/5/03 Town Hall XI meeting and received a Divisional Partnerships in Excellence Award. ASH nominated Ms. Ly for her contribution to the Section in automating the controls used by the Specialists and Supervisors. This innovation saved valuable time for ASH staff who used to do manual entries to the New Filings Log each week. Kudos to Ms. Ly for using her computer skills to help improve internal operational procedures.



Case Correction Memos (PA 411) sent by ASH to district offices now identify potential Food Stamp errors. If the issue involves Food Stamps, a notation on the upper right hand corner of the PA 411 alerts districts that the case in question may have a potential Food Stamp error!



In October 2003, there were 269 PA 411s with FS alert notations. Remember that a corrected case means one less error case!!!



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Dear ASHley



Dear Ashley,

I received a case in my file with several CalWORKs overpayments. One of the overpayments is currently being collected through grant adjustment but there was no notice of action sent to the participant before the grant adjustment began. Is this correct?

Signed: Worried



Dear Worried,

No, it's never correct to reduce a grant to collect an overpayment without first sending timely and adequate notice of action. The notice must be sent at least ten days before the month the grant adjustment begins. The notice must advise the participant of the total amount overpaid, the reason the overpayment occurred, and include a month-by-month computation of the entire overpayment period. The notice must also show the proposed monthly adjustment amount and the grant the claimant will receive once the adjustment is deducted. All this information must be sent, in writing, via the notice of action before any collection can begin.

Dear Ashley,

A participant filed for a hearing because of an overpayment collection. Her grant has been reduced for the past 8 months and in 4 more months the overpayment will be fully collected. I know the overpayment is correct because I computed it myself but there is no notice of action (NOA) in the case. Now, the Appeals Section has ordered my district to suspend collection! Why?

Signed: Somewhat Upset

Dear Somewhat,

The Appeals Hearing Specialist negotiated a conditional withdrawal with the claimant because reducing benefits **without notice** is not correct or allowable per Sections 22-071 and 072 of the state regulations. Without a NOA, the participant may not know that it is possible to dispute the reduction of her grant or that she can have a hearing or that the adjustment could stop while the overpayment and its collection is reviewed. If the overpayment is correct, you may resume the collection once timely and adequate notice is sent. What are the possible consequences to the county when a participant wants a hearing and refuses to accept the offer of a conditional withdrawal to suspend collection pending renotification? At the hearing an Administrative Law Judge may order the county to refund **all the monies already collected**. Carefully prepared NOAs protect a participant's rights as well as the county's in safeguarding county funds.

